

REMARKS

The Examiner is respectfully requested to enter the foregoing amendment prior to further examination of the above-identified patent application.

The Office Action dated January 24, 2007, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Preliminary Amendment, claims 1, 3, 10, 12-16, 19, 26, 39 have been amended and claims 48 and 49 have been added. Support for the amendments to the claim 1 can be found in at least Figures 4 and 16. Support for the amendments to claim 12 can be found in at least Figures 1 and 4. Support for the amendments to claim 26 can be found on at least page 13, line 6 to page 14, line 14. Support for the amendments to claim 39 can be found on at least page 13, line 25 to page 14, line 1. No new matter has been added. Claims 1, 3-6 and 8-49 are pending and respectfully submitted for consideration.

Rejections Under 35 U.S.C. § 103

Claims 1, 3, 6, 8, 9, 11-16, 18, 19, 22-29, 31, 32 and 35-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps et al. (U.S. Patent No. 5,741,182, "Lipps") in view of Marinelli (U.S. Patent No. 6,157,898, "Marinelli"), Tosaki et al. (U.S. Patent No. 6,312,335 B1, "Tosaki") and Nomura et al. (U.S. Patent No. 5,779,555, "Nomura"). Claims 3, 6, 8, 9 and 11 depend from claim 1, claims 13-16, 18, 19 and 22-25 depend from claim 12, claims 27-29, 31, 32 and 35-38 depend from claim 26, and claims 40-47 depend from claim 39.

Lipps is cited for disclosing many of the claimed elements of the invention with the exception of 1) a piezoelectric buzzer, 2) an acceleration correlation signal that has variations in magnitude levels that corresponds to the acceleration of the input device, and 3) determining a parameter for movement of the ball character after being hit back based on the magnitude level of the acceleration correlated signal. Marinelli, Tosaki and Nomura, respectively, are cited for curing these deficiencies.

To the extent that the above-noted rejections remain applicable to the claims currently pending, the Applicants traverse the rejections and respectfully submit that claims 1, 3, 6, 8, 9, 11-16, 18, 19, 22-29, 31, 32 and 35-47 recite subject matter that is neither disclosed nor suggested by the cited references.

With respect to claim 1, the Applicants respectfully submit that the combination of cited references fail to disclose or suggest the claimed features of the invention. Claim 1, as amended, recites an input device to be moved in a three-dimensional space by a game player, the input device having a grip that is grasped by a game player and a piezoelectric buzzer arranged within the input device in a manner that a main surface of a piezoelectric buzzer is perpendicular to or in parallel with a longitudinal direction of the grip. As acknowledged in the Office Action, Lipps does not disclose or suggest the piezoelectric buzzer. Lipps merely discloses infrared light emitting diodes 10 on a tip end surface of the bat 4. As such, Lipps does not disclose or suggest the claimed piezoelectric buzzer as recited in claim 1.

Marinelli, which is cited for disclosing a piezoelectric buzzer, does not disclose the claimed arrangement of the piezoelectric buzzer, as recited in claim 1. In contrast,

Marinelli merely discloses that an acceleration sensor network is embedded in the object unit.

Tosaki fails to cure the deficiencies in the combination of Lipps and Marinelli, as Tosaki also does not disclose or suggest the claimed arrangement of the piezoelectric buzzer in the fishing rod.

Nomura fails to cure the deficiencies in Lipps, Marinelli and Tosaki as Nomura does not disclose or suggest the claimed arrangement of the piezoelectric buzzer. In contrast, Nomura merely discloses a triaxial acceleration sensor on the interface of the golf club head. See Figs. 2A and 2B of Nomura.

In view of the above, the Applicants respectfully submit that Lipps, Marinelli, Tosaki and Nomura fail to disclose or suggest the features of the invention as recited in claim 1.

With respect to claim 12, the Applicants respectfully submit that the combination of cited references fail to disclose or suggest the claimed features of the invention. Claim 12, as amended, recites, in part, an input device to be moved in a three-dimensional space by a game player, the input device having a plurality of surfaces different from each other and that the signal output means includes a plurality of transmitting means, each of which transmits the acceleration correlated signal in a wireless manner, the plurality of transmitting means transmitting the acceleration correlated signal from the different surfaces of the input device. The Applicants respectfully submit that Lipps, Marinelli and Tosaki and Nomura, either singly or in combination fail to disclose or suggest at least this feature of the invention as recited in claim 12.

With respect to claim 26, the Applicants respectfully submit that the combination of cited references fail to disclose or suggest the claimed features of the invention. Claim 26, as amended, recites, in part, a game processor for receiving the acceleration correlated signal and determines based on the acceleration correlated signal and a moving timing of the ball character a moving direction of the ball character as a parameter for a movement of the ball character. The Office Action asserts that "a timing of the ball character" means a timing that the ball character is hit. See page 10, paragraph 20 of the Office Action. In contrast, the Applicants respectfully submit that "a timing of the ball character" is a moving timing of the ball character, as clarified by the amended claim 26, which is the position of the ball character in a depth direction on the screen. In addition, claim 26 recites a moving direction of the ball character as a parameter for a movement of the ball character. The Applicants respectfully submit that Lipps, Marinelli, Tosaki and Nomura do not disclose or suggest that the moving direction of the ball character having been hit-back can be determined based on the claimed moving timing of the ball character. As such, the cited references fail to disclose or suggest at least the features of a moving direction of the ball character as a parameter for a movement of the ball character, as recited in claim 26.

With respect to claim 39, the Applicants respectfully submit that the combination of cited references fail to disclose or suggest the claimed features of the invention. Claim 39, as amended, recites, in part, a game processor for receiving the ON signal and determines, based on a timing that the acceleration switch is turned-on and a position of the ball character, at least one of a moving speed and a moving direction of the ball character. In contrast, Lipps discloses whether or not the ball is hit at the time

that the centrifugal switch is turned on. See column 3, lines 12-18 of Lipps. Thus, Lipps does not disclose or suggest that at least one of a moving direction of the ball character determined based on the ON signal of the acceleration switch as recited in claim 39.

Marinelli fails to cure the deficiencies in Lipps, as Marinelli merely measures the speed of the separated or non-held object while the object is not significantly or materially altered and shows the measured value to the player. See column 2, lines 27-35 of Marinelli. Marinelli does not disclose or suggest an acceleration switch.

Tosaki fails to cure the deficiencies in Lipps and Marinelli as Tosaki merely discloses that the timing of the impact of the ball should be taken as the timing at which a press signal is input from the trigger button SW. See column 16, lines 47-49 of Tosaki. The force of the bat swing in Tosaki is calculated on the basis of the detection signals from the acceleration sensors, and the path of swing is calculated on the basis of the angle of the bat. See column 16, lines 40-47 of Tosaki. However, Tosaki does not disclose how the game is rectified by the force and path of the swing.

Nomura fails to cure the deficiencies in Lipps, Marinelli and Tosaki as Nomura does not disclose or suggest the acceleration switch and therefore, how to calculate the course of the ball based on the acceleration switch. In contrast, Nomura discloses that the course of the ball is calculated on the basis of the acceleration sensor.

As such, the combination of Lipps, Marinelli, Tosaki and Nomura fails to disclose or suggest a game processor for receiving the acceleration correlated signal and determining a parameter for a movement of the ball character after being hit back based on the magnitude level of the acceleration correlated signal, as recited in claim 39.

Claims 4, 5, 20, 21, 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps in view of Marinelli, Tosaki, Nomura and Lipson (U.S. Patent No. 5,435,554). Claims 4 and 5 depend from claim 1, claims 20 and 21 depend from claim 12 and claims 33 and 34 depend from claim 26. The Applicants traverse the rejection and respectfully submit that claims 4, 5, 20, 21, 33 and 34 recite subject matter that is neither disclosed nor suggested by the cited references.

With respect to claim 1, the Applicants respectfully submit that Lipson fails to cure the deficiencies in the combination of Lipps, Marinelli, Tosaki and Nomura as Lipson does not disclose or suggest the claimed arrangement of the piezoelectric buzzer as recited in the claim. With respect to claim 12 Lipson also does not disclose or suggest at least the feature of the signal output means includes a plurality of transmitting means, each of which transmits the acceleration correlated signal in a wireless manner, the plurality of transmitting means transmitting the acceleration correlated signal from the different surfaces of the input device. With respect to claim 26, Lipson does not disclose or suggest at least the feature and a game processor for receiving the acceleration correlated signal and determines based on the acceleration correlated signal and a moving timing of the ball character a moving direction of the ball character as a parameter for a movement of the ball character. As such, the Applicants respectfully submit that Lipps in view of Marinelli, Tosaki, Nomura and Lipson fail to disclose or suggest the features of the invention as recited in amended claims 1, 12 and 26, and therefore, dependent claims 4, 5, 20, 21, 33 and 34.

Claims 10, 17 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps, Marinelli, Tosaki, Nomura and Zur et al. (U.S. Patent No.

5,833,549, "Zur"). Claim 10 depends from claim 1, claim 17 depends from claim 12 and claim 30 depends from claim 26. The Applicants traverse the rejection and respectfully submit that claims 10, 17 and 30 recite subject matter that is neither disclosed nor suggested by the cited references.

The Applicants respectfully submit that Zur does not disclose or suggest the feature of the piezoelectric buzzer. As such, Zur fails to cure the deficiencies in Lipps, Marinelli, Tosaki and Nomura with respect to independent claims 1, 12 and 26, and therefore, the combination of references would not disclose or suggest the claimed features of the invention as recited in dependent claims 10, 17 and 30.

To establish a *prima facie* case of obviousness, each and every feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. § 2143.03.

In view of the above, the Applicants respectfully submit that Lipps, Marinelli, Tosaki, Nomura, Lipson and Zur fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 1, 12, 26 and 39 under 35 U.S.C. § 103. Accordingly, claims 1, 12, 26 and 39 are not rendered obvious in view of Lipps, Marinelli, Tosaki, Nomura, Lipson and Zur and should be deemed allowable.

Conclusion

The Applicants respectfully submit that claims 1, 12, 26 and 39 are allowable. Claims 3-11 and 49 depend from claim 1, claims 13-25 and 48 depend from claim 12, claims 27-38 depend from claim 26 and claims 40-47 depend from claim 39. The Applicants further submit that each of these claims incorporate the patentable aspects thereof, and are therefore allowable for at least the same reasons as discussed above.

Accordingly, the Applicants respectfully request withdrawal of the rejections, allowance of claims 1, 3-6 and 8-49 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 100341-00008**.

Respectfully submitted,



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Enclosures: RCE
Petition for Extension of Time (two-months)
Extra Claims Transmittal